

4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502; Fish and Game Code.

**Subsections 708(a)(1); 708(a)(2)(A)1.c. through 708(a)(2)(C); 708(a)(2)(E) through 708(a)(8); 708(b)(2) through 708(c)(2); 708(c)(4); 708(d)(2) through 708(g)(1)(J); 708(g)(2) through 708(g)(5) Title 14, CCR remain unchanged.**

**Subsection 708(a)(2)(A), Title 14, CCR is amended to read:**

(2) Deer License Tag Application and Distribution Procedures.

(A) Distribution of Deer License Tags:

1. Deer Tag Classification

a. Premium Deer Hunt Tags shall include all deer hunt tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year. ~~C, D12 and D17 tags shall not be classified as premium deer hunt tags regardless of the date the tag quota filled in the immediately preceding license year.~~

b. Restricted Deer Hunt Tags shall include all non-Premium deer hunt tags where the tag quota filled on or before the first business day after August 1 in the immediately preceding license year. ~~C, D12 and D17 tags shall be classified as restricted deer hunt tags regardless of the date the tag quota filled in the immediately preceding license year.~~

**Subsection 708(a)(2)(D) , Title 14, CCR is amended to read:**

(D) Application Fee: The department shall require that the specified fee for a deer tag, as specified in Section 4332 of the Fish and Game Code, be paid as a prerequisite to obtaining a deer tag application. In addition to the tag fee, the department shall also charge a nonrefundable processing fee, as specified in Section 702, for each deer tag application. Deer tag processing fees are not refundable. The department shall not refund the fees paid to obtain a deer tag application for Deer tag fees are not refundable once a deer tag application has been entered into the big game drawing or a deer tag has been issued regardless of closures of any zone or hunt due to fire, weather or other natural disasters.

The department may only refund deer tag fees under the following provisions:

1. The deer tag application was not entered into the big game drawing and a deer tag was not issued for the deer tag application.

2. The difference between the fee paid for a nonresident deer tag application and a resident deer tag application may be refunded for any nonresident deer tag application for which a deer tag was not issued.

3. The department may refund the difference between the fee paid for a nonresident deer tag application and a resident deer tag application for any nonresident tag issued if all of the following conditions are met:

a. The deer tag is not a premium tag.

b. The deer tag is returned prior to the earliest opening date for the hunt.

c. The tag quota has not been filled for the hunt.

**Subsection 708(b)(1), Title 14, CCR is amended to read:**

(b) Distribution of Bighorn Sheep License Tags:

(1) Fund-raising Nelson bighorn ram license tags: Fund-raising license tags for the taking of mature Nelson bighorn rams shall be sold for the purpose of raising funds to manage bighorn sheep. The department may designate a nonprofit organization to sell this fund-raising tag. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to buy the tag. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. The purchaser purchasers of a fund-raising license tag tags shall complete a required hunter orientation program conducted by the department and meet the hunter education requirements for a hunting license. The fund-raising license tags are defined as follows:

(A) Open-zone fund-raising license tags: These fund-raising license tags are valid in any of the areas described in subsection 362(a).

**Subsection 708(c)(3), Title 14, CCR is amended to read:**

(3) Fund-raising License Tags: Fund-raising license tags for the taking of buck pronghorn antelope shall be offered for sale to raise funds for the management of pronghorn antelope. The department may conduct a random drawing to distribute fund-raising tags. Any resident or nonresident is eligible to buy one of the fund-raising license tags. The sale price of a fund-raising license tag includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. The purchaser purchasers shall be issued the fund-raising license tag only after meeting the hunter education requirements for a hunting license.

**Subsection 708(d)(1), Title 14, CCR is amended to read:**

(d) Distribution of Elk License Tags:

(1) Three fund-raising license tags for the taking of elk bulls shall be offered for sale to raise funds for the management of elk. The department may designate a nonprofit organization or organizations to sell the fund-raising tags. The department may conduct a random drawing to distribute fund-raising tags.

Any resident or nonresident is eligible to obtain one of the fund-raising license tags. The sale price of a fund-raising license tag sold through a nonprofit organization includes the fee for processing and issuing a hunting license. A fund-raising license tag distributed through a department random drawing does not include the fee for processing and issuing a hunting license. The purchaser purchasers of fund-raising tags shall complete required hunter orientation programs conducted by the department and meet the hunter safety requirements for a hunting license.

**Subsection 708(g)(1)(K), Title 14, CCR is amended to read:**

(K) Any person may appeal incomplete, late and ineligible applications or applications submitted without the appropriate processing fee that were not included in the department's big game drawing and the hunter did not earn a preference point. The appeal must be in writing and describe the basis for the appeal. The appeal shall be received by the department's License and Revenue Branch in Sacramento, or if mailed, postmarked on or before May 31 of the following year. The department, upon consideration of the appeal, may grant the appeal and award one preference point to the appellant. If the department grants the appeal for a preference point, the appellant shall pay all the applicable fees. The department shall not award a preference point unless the appellant pays all the applicable fees.

**Subsection 708(g)(1)(L), Title 14, CCR is added to read:**

(L) Any applicant who was drawn for the applicant's first deer tag choice in the big game drawing and can not hunt for any reason may submit a written request to retain the accumulated preference point total and earn one preference point for deer for that year. Applicants must return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request. If the request is granted the applicant shall retain the preference point total the applicant accumulated prior to the big game drawing and earn one preference point for deer. The department shall not refund the fees paid for a resident deer tag application. The department may refund the difference between the fee paid for a nonresident deer tag application and a resident deer tag application for any nonresident tag.

**Subsection 708(g)(1)(M), Title 14, CCR is added to read:**

(M) Any applicant who was awarded an elk, antelope, or big horn sheep tag in the big game drawing and can not hunt for any reason may submit a written request to retain the accumulated preference point total and earn one preference point for elk, antelope or big horn sheep for that year. Applicants must return the tag to the department's License and Revenue Branch before the season starts for which the tag is valid for the department to consider the request. The applicant shall submit the nonrefundable processing fee specified in Section 702 with the request. If the request is granted the applicant shall retain the preference point total the applicant accumulated prior to the big game drawing and earn one preference point for elk, antelope or big horn sheep. The department may refund the tag fee.

**Subsection 708(h), Title 14, CCR is added to read:**

(h) Fund-raising Tags Random Drawings

(1) General Conditions

(A) Commencing January 1, 2011, except as otherwise provided, the department may award license tags for fund-raising hunts for deer, bighorn sheep, elk and pronghorn antelope hunts, as described in sections 360(b) and (c), 361, 362, 363, and 364; using a random drawing system.

1. Applicants for a deer, elk, or antelope license tag must be 12 years of age on or before July 1 of the license year for which they are applying.
2. Applicants for a big horn sheep license tag must be 16 years of age on or before July 1 of the license year for which they are applying.
4. Applications for deer, bighorn sheep, pronghorn antelope and elk hunts must include the appropriate nonrefundable fee in Section 702.
5. Applications must be received by the department's License and Revenue Branch in Sacramento by 5:00 p.m. on the first business day after June 1.
6. Any resident or nonresident applicant may submit one or more fund-raising tag random drawing applications for each species during the same license year.
7. No applicant shall earn a preference point in any fund-raising tag random drawings.
8. Accumulated preference points shall not be considered in any the fund-raising tag random drawings.
9. Fund-raising tags shall not be transferred to another person.
10. Successful applicants and a list of alternates for each fund-raising license tag will be determined by drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.
11. Unsuccessful applicants shall not be notified.
12. Successful applicants will be mailed notification as soon as practical.
13. Upon receipt of the notification, the applicant shall submit evidence that he or she possesses a valid California hunting license valid for the hunting season to the department's License and Revenue Branch in Sacramento by 5:00 p.m. on the third Monday in July. Any tags unclaimed by successful applicants after that date shall be awarded to alternates for that license tag in the order drawn.

Note: Authority cited: Sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code. Reference: Sections 200, 201, 202, 203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4902, 10500 and 10502, Fish and Game Code.

Section 713 is added to read:

**§ 713. Carcass Condemnation for Diseased, Injured, or Chemically Immobilized Big-Game Species.**

(a) The Director may authorize Department employees to condemn the carcass of a diseased, injured, or chemically immobilized big-game animal (as defined in Section 350) that was lawfully taken and lawfully possessed under a license tag that is, in the opinion of the employee, unfit for human consumption, if the individual who took the animal requests it and this condition was not created by the actions of the individual who took the animal. A Department employee may condemn a big-game carcass that was chemically immobilized if the animal was taken during the established withdrawal period of that immobilizing drug.